IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 15984 of 2004

Between:

Ibrahim Khallel S/o. Syed Ghouse Mohiuddin quadri
LIG -II Q.No.120, Housing Board-I Keertinagar Colony, Warangal.

..... PETITIONER

AND

1 The Depot Manager, APSRTC Hanmakonda Depot, Warangal District.
2 Smt.Rafath Javeeda D/o. Md.Sarwar Sharieff
W/o. Late SA Moinuddin Driver (RTC)
R/o. Suryapet, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent herein in not paying the service benefits of the deceased late S.A.Moinuddin Quadri, the elder brother of the petitioner in pursuance of the letter Dt.8.4.2002 as illegal, unjust and arbitrary and as such liable to be set aside in the interest of justice.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent No.1: MR.V.T.M.PRASAD

The Court at the stage of admission made the following:

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ORDER:

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The petitioner contends that he is the legal heir of a deceased employee of the 1st respondent Corporation, and he was nominated by the deceased for the benefits. The 2nd respondent obtained a succession certificate without impleading the petitioner as a party. The grievance of the petitioner is that if the 1st respondent acts upon the succession certificate and releases the amount, the petitioner would suffer great loss.

2. The learned counsel for the 1st respondent represents that the 1st respondent took a decision not to release the amounts till both the parties get the matter adjudicated and whoever gets the succession certificate, will get the benefits on account of the death of the deceased employee.

3. In the light of the representation of the learned counsel for the 1st respondent, no direction need be given. The petitioner is at liberty to approach an appropriate Forum and get the matter decided regarding the entitlement of the benefits, due to the death of the deceased employee. In view of the letter of the 1st respondent, dated 08.04.2002, addressing the petitioner's counsel, no separate order is necessary regarding disbursement of the amount.

4. The Writ Petition is, accordingly, disposed of.

dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Hanmakonda Depot, Warangal District

2. Two CD copies.